

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Maria Galvan v. Dollar Tree

Case Number	49D02-2103-CT-010868
Court	Marion Superior Court 2
Type	CT - Civil Tort
Filed	03/30/2021
Status	03/30/2021 , Pending (active)

Parties to the Case

Defendant Dollar Tree

Address

135 N Pennsylvania St, Suite 1610
Indianapolis, IN 46204

Attorney

Anthony Marino Eleftheri
#1933649, Lead, Retained

Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
317-580-4848(W)

Attorney

Melanie Alyse Kalmbach
#3480049, Retained

736 Hanover PL
STE 200
Carmel, IN 46032
317-580-4848(W)

Plaintiff Galvan, Maria

Address

7284 W 200 N
Greenfield, IN 46140

Attorney

Danitza Valerie Loya
#3410149, Retained

Hensley Legal Group PC
117 E Washington Street
Suite 200
Indianapolis, IN 46204
317-472-3333(W)

Chronological Case Summary

03/30/2021 Case Opened as a New Filing

03/30/2021 Appearance Filed

Appearance

For Party: Galvan, Maria
File Stamp: 03/30/2021

03/30/2021 Complaint/Equivalent Pleading Filed

Complaint

Filed By: Galvan, Maria
File Stamp: 03/30/2021

03/30/2021 Subpoena/Summons Filed

Summons- Corporate Service

Filed By: Galvan, Maria
File Stamp: 03/30/2021

03/30/2021 Subpoena/Summons Filed

Summons- Store

Filed By: Galvan, Maria
File Stamp: 03/30/2021

03/31/2021 Certificate of Issuance of Summons

Certificate of Issuance - Store

Filed By: Galvan, Maria
File Stamp: 03/31/2021

03/31/2021 Certificate of Issuance of Summons

Certificate of Issuance - Corporate

Filed By: Galvan, Maria
File Stamp: 03/31/2021

04/07/2021 Appearance Filed

Appearance of Anthony M. Eleftheri and Melanie A. Kalmbach

For Party: Dollar Tree
File Stamp: 04/07/2021

04/07/2021 Motion for Enlargement of Time Filed

Motion for Enlargement of Time

Filed By: Dollar Tree
File Stamp: 04/07/2021

04/08/2021 Certified Mail Returned

GREEN CARD SIGNED.

Party Served: Dollar Tree

04/08/2021 Order Granting Motion for Enlargement of Time

Judicial Officer: Oakes, Timothy Wayne
Order Signed: 04/08/2021

04/09/2021 Automated ENotice Issued to Parties

Order Granting Motion for Enlargement of Time ---- 4/8/2021 : Anthony Marino Eleftheri;Melanie Alyse Kalmbach;Danitza Valerie Loya

04/14/2021 Certified Mail Returned

GREEN CARD SIGNED

Party Served: Dollar Tree

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Galvan, Maria

Plaintiff

Balance Due (as of 04/30/2021)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
03/30/2021	Transaction Assessment	157.00
03/30/2021	Electronic Payment	(157.00)

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

STATE OF INDIANA) IN THE MARION COUNTY SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NO:
)
MARIA GALVAN,)
)
)
Plaintiff,)
)
)
vs.)
)
DOLLAR TREE STORES, INC.,)
)
)
Defendant.)
)

APPEARANCE

1. Maria Galvan
Name of represented party
2. Attorney information (as applicable for service of process):

Name: Valerie Loya
HENSLEY LEGAL GROUP, PC
Address: 117 East Washington Street
Suite 200
Indianapolis, IN 46204

Atty Number: 34101-49
Phone: (317) 472-3333
FAX: (317) 472-3340
Email: vloya@hensleylegal.com

3. Case Type requested: CT

4. Will accept FAX service: Yes No X

Valerie Loya, #34101-49
Attorney for Plaintiff

STATE OF INDIANA) IN THE MARION COUNTY SUPERIOR COURT
)) SS:
COUNTY OF MARION) CAUSE NO:
))
MARIA GALVAN,))
))
 Plaintiff))
))
 vs.))
))
DOLLAR TREE STORES, INC.,))
))
 Defendant.))
_____))

COMPLAINT FOR DAMAGES

COMES now the Plaintiff, Maria Galvan (“Plaintiff”), by counsel, and for her Complaint for Damages against the Defendant, DOLLAR TREE STORES, INC., alleges and asserts that:

1. At all times mentioned herein, the Plaintiff, Maria Galvan, was and is a resident of the City of Indianapolis, County of Marion, State of IN.
2. At all times mentioned herein, the Defendant, Dollar Tree, (“Defendant”) was doing business in the State of Indiana and was maintaining a premise located at Dollar Tree, 8625 Pendleton Pike, Indianapolis, IN 46226, City of Indianapolis, County of Marion, State of IN.
3. At all times mentioned herein, the Defendant, was doing business in the State of Indiana and was maintaining a premise located at, City of Indianapolis, County of Marion, State of Indiana.
4. All of the acts and/or omissions of the Defendant, DOLLAR TREE STORES, INC., herein alleged, were performed and/or omitted by and through the agents, servants, and/or

employees of the Defendant while they were acting within the scope and course of their employment.

5. On or about June 7, 2020, the Plaintiff, was a guest and invitee of the Defendant at the above-referenced premises, when she was injured.

6. The Defendant was required to exercise reasonable and ordinary care under all circumstances and operation of its premises, including the above- referenced premises at which the Plaintiff was injured.

7. The above-mentioned incident was directly and proximately caused by the carelessness and negligence of the Defendant, including, but not limited to, one or more of the following acts and/or omissions:

- a. The Defendant carelessly and negligently failed to inspect and discover the dangerous condition existing at said location;
- b. The Defendant carelessly and negligently failed to warn the Plaintiff of the dangerous condition existing at said location when the Defendant knew or should have known of the same;
- c. The Defendant carelessly and negligently failed to provide premises reasonably safe under the existing conditions; and
- d. The Defendant carelessly and negligently failed to correct the dangerous condition at said location when the Defendant knew or should have known of the existence of the same.

8. As a direct and proximate result of the Defendant's carelessness and negligence, the Plaintiff sustained personal injuries, resulting in pain and suffering.

9. As a result of her injuries and their effects, the Plaintiff, has been required to engage the services of hospitals, physicians, and medical technicians for medical treatment, medication and x-rays, and has incurred, and may incur in the future, medical expenses for such treatment.

10. As a result of her injuries, the Plaintiff has incurred reasonable medical expenses for medical care and treatment and may incur additional medical expenses in the future.

11. As a result of her injuries and the treatment of said injuries, the Plaintiff, Maria Galvan, has lost income, and may continue to lose income in the future, all caused by the negligence of the Defendant.

WHEREFORE, the Plaintiff, Maria Galvan, prays for judgment against the Defendant, DOLLAR TREE STORES, INC., in an amount commensurate with her injuries and damages, for the costs of this action, and for all other just and proper relief in the premises.

Respectfully Submitted,



Valerie Loya, #34101-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333 (Phone)
(317) 472-3340 (Facsimile)
vloya@hensleylegal.com

REQUEST FOR TRIAL BY JURY

Comes now the Plaintiff, Maria Galvan by counsel, and file herein her request for trial by jury for the above action.

Respectfully submitted,



Valerie Loya, #34101-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333 (Phone)
(317) 472-3340 (Facsimile)
vloya@hensleylegal.com

Marion Superior Court 2

Marion County, Indiana

STATE OF INDIANA)
)
) SS:
COUNTY OF MARION)

IN THE MARION COUNTY SUPERIOR COURT

MARIA GALVAN,)
) CAUSE NO:
Plaintiff,)
)
vs.)
)
DOLLAR TREE STORES, INC.,)
)
Defendant.)
)

TO DEFENDANT: Dollar Tree
 Corporation Service Company
 135 N. Pennsylvania Street, Suite 1610
 Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your answer.

DATED: 3/30/2021 *Myla A. Edmiston* (Seal)
 CLERK, MARION COUNTY SUPERIOR Court

(The following manner of service of summons is hereby designated)

Registered or certified mail.

Service at place of employment, to wit:

Service on individual - (Personal or copy) at above address.

Service on agent. (Specify)

Other Service. (Specify)



Valerie Loya ,#34101-49

Attorney for Plaintiff

117 E Washington St, Suite 200

Indianapolis, IN. 46204

(317)472-3333

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of the Complaint to the Defendant, Dollar Tree by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.



Valerie Loya

Dated: _____

By: Valerie Loya

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant was accepted by the Defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint was not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant, _____ was accepted by _____ on behalf of said Defendant on the _____ day of _____, 20____.

CLERK, MARION COUNTY SUPERIOR Court

By: _____
Deputy

STATE OF INDIANA)
)
) SS:
COUNTY OF MARION)

IN THE MARION COUNTY SUPERIOR COURT

MARIA GALVAN,)	
)	CAUSE NO:
Plaintiff,)	
)	
vs.)	
)	
DOLLAR TREE STORES, INC.,)	
)	
Defendant.)	
)	

TO DEFENDANT: Dollar Tree
 500 Volvo Pkwy
 Chesapeake, VA 23320

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your answer.

DATED: 3/30/2021 Myla A. Edwards (Seal)
 CLERK, MARION COUNTY SUPERIOR Court

(The following manner of service of summons is hereby designated)

- Registered or certified mail.
- Service at place of employment, to wit:
- Service on individual - (Personal or copy) at above address.
- Service on agent. (Specify)
- Other Service. (Specify)

Valerie Loya ,#34101-49
Attorney for Plaintiff
117 E Washington St, Suite 200
Indianapolis, IN. 46204
(317)472-3333



CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of the Complaint to the Defendant, Dollar Tree by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.



Valerie Loya

Dated: _____

By: Valerie Loya

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant was accepted by the Defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint was not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant, _____ was accepted by _____ on behalf of said Defendant on the _____ day of _____, 20____.

CLERK, MARION COUNTY SUPERIOR Court

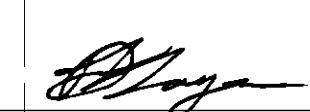
By: _____
Deputy

STATE OF INDIANA) IN THE MARION COUNTY SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NO: 49D02-2103-CT-010868
)
MARIA GALVAN,)
)
Plaintiff,)
)
v.)
)
DOLLAR TREE STORES, INC.,)
)
Defendant.)

)

CERTIFICATE OF ISSUANCE OF SUMMONS

I certify that on Wednesday, March 30, 2021 I mailed a copy of the summons and a copy of the complaint to the defendant, Dollar Tree, 500 Volvo Pkwy, Chesapeake, VA 23320 by certified mail #7020 0640 0000 2294 4417, requesting a return receipt to the Marion County Clerk's office.



Valerie Loya, Attorney # 34101-49
Attorney for Plaintiff

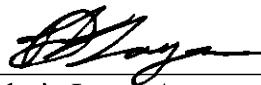
HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333
vloya@hensleylegal.com

STATE OF INDIANA) IN THE MARION COUNTY SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NO: 49D02-2103-CT-010868
)
MARIA GALVAN,)
)
Plaintiff,)
)
v.)
)
DOLLAR TREE STORES, INC.,)
)
Defendant.)

)

CERTIFICATE OF ISSUANCE OF SUMMONS

I certify that on Wednesday, March 30, 2021 I mailed a copy of the summons and a copy of the complaint to the defendant, Dollar Tree, Corporate Service Company, 135 N. Pennsylvania Street, Suite 1610, Indianapolis, IN 46204 by certified mail #7020 0640 0000 2294 4400, requesting a return receipt to the Marion County Clerk's office.



Valerie Loya, Attorney # 34101-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333
vloya@hensleylegal.com

MARION COUNTY SUPERIOR COURT
STATE OF INDIANA

MARIA GALVAN,)
)
Plaintiff)
)
v.) CAUSE NO.: 49D02-2103-CT-010868
)
DOLLAR TREE STORES, INC.)
)
Defendant.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating Responding Intervening

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

DOLLAR TREE STORES, INC.

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: Anthony M. Eleftheri (#19336-49)
 Melanie A. Kalmbach (#34800-49)
Address: Drewry Simmons Vornehm, LLP
 736 Hanover Place, Suite 200
 Carmel, Indiana 46032
Phone: (317) 580-4848
Fax: (317) 580-4855
E-Mail: aeleftheri@DSVlaw.com
 mkalmbach@DSVlaw.com

3. There are other party members: Yes No (If yes, list on continuation page.)

4. If first initiating party filing this case, the Clerk is requested to assign this case the following. Case Type under Administrative Rule 8(b)(3): _____

5. I will accept service by fax at the above noted number: Yes No

6. This case involves support issues. Yes No (If yes, supply social security numbers for all family members on continuation page.)

7. There are related cases: Yes No (If yes, list on continuation page.)

8. This form has been served on all other parties; Certificate of Service is attached:
Yes No Not Applicable
9. Additional information required by local rule: N/A

DREWRY SIMMONS VORNEHM, LLP

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFTHERI, #19336-49
MELANIE A. KALMBACH, #34800-49
Counsel for Defendant Dollar Tree Stores, Inc.

Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
(317) 580-4848
(317) 580-4855 Facsimile
aeleftheri@DSVlaw.com
mkalmbach@DSVlaw.com

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Rule 86(G) of the Indiana Rules of Trial Procedure, a copy of the foregoing has been served either via E-Service through the Indiana E-Filing System, or by first class United States mail, postage prepaid, this 7th day of April 2021, to:

Valerie Loya
HENSLEY LEGAL GROUP, PC
117 East Washington Street
Suite 200
Indianapolis, Indiana 46204
Counsel for Plaintiff

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFTHERI, #19336-49
MELANIE A. KALMBACH, #34800-49

MARION COUNTY SUPERIOR COURT
STATE OF INDIANA

MARIA GALVAN,)
)
Plaintiff)
)
v.) CAUSE NO.: 49D02-2103-CT-010868
)
DOLLAR TREE STORES, INC.)
)
Defendant.)

**DOLLAR TREE STORES, INC.'S MOTION FOR ENLARGEMENT
OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT**

Comes now Defendant Dollar Tree Stores, Inc., by counsel, and respectfully petitions the Court for a 30-day enlargement of time up to and including May 28, 2021 to Answer or otherwise respond to Plaintiff's Complaint and in support states:

1. Plaintiff Maria Galvan filed her Complaint for Damages on or about March 30, 2021.
2. Defendant Dollar Tree Stores, Inc. was served on April 5, 2021 via Certified Mail.
3. An Answer or responsive pleading is due on or before April 28, 2021.
4. Defendant respectfully petitions the Court for a 30-day enlargement of time, up to and including May 28, 2021 to Answer or otherwise respond to Plaintiff's Complaint. Additional time is necessary to allow the undersigned an opportunity to conduct an investigation, meet with his client and otherwise prepare an appropriate answer or response.
5. This Motion is not made for purposes for vexation or delay.

WHEREFORE, Defendant Dollar Tree Stores, Inc., by counsel, prays for a 30-day
enlargement of time, up to and including May 28, 2021 to Answer or otherwise respond to
Plaintiff's Complaint and for all other relief proper in the premises.

DREWRY SIMMONS VORNEHM, LLP

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFTHERI, #19336-49
MELANIE A. KALMBACH (#34800-49)
Counsel for Defendant Dollar Tree Stores, Inc.

Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
(317) 580-4848
(317) 580-4855 Facsimile
aeleftheri@DSVlaw.com
mkalmbach@DSVlaw.com

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Rule 86(G) of the Indiana Rules of Trial Procedure, a copy of the foregoing has been served either via E-Service through the Indiana E-Filing System, or by first class United States mail, postage prepaid, this 7th day of April 2021, to:

Valerie Loya
HENSLEY LEGAL GROUP, PC
117 East Washington Street
Suite 200
Indianapolis, Indiana 46204
Counsel for Plaintiff

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFTHERI, #19336-49
MELANIE A. KALMBACH , #34800-49

SENDED: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Dollar Tree
 Corporation Service Company
 135 N. Pennsylvania St., Ste 160
 Indianapolis, IN 46204



9590 9402 3958 8060 6336 61

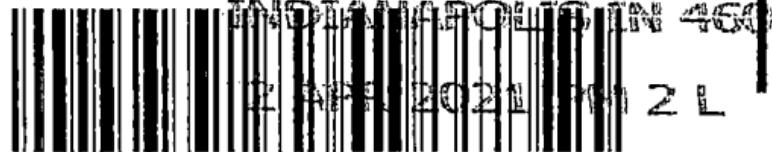
Article Number (Transfer from service label)

7020 0640 0000 2294 4400

A. Signature	<i>Key Allen</i>	<input type="checkbox"/> Agent
X		<input type="checkbox"/> Addressee
B. Received by (Printed Name)		C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 		

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 3958 8060 6336 61

United States
Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

Marian County Clerk's Office
200 E Washington St., W122
Indpls, TN 46204

49 DD2-2103-CT-010868

MARION COUNTY SUPERIOR COURT
STATE OF INDIANA

MARIA GALVAN,)
)
Plaintiff)
)
v.) CAUSE NO.: 49D02-2103-CT-010868
)
DOLLAR TREE STORES, INC.)
)
Defendant.)

**ORDER GRANTING DOLLAR TREE STORES, INC.'S MOTION FOR
ENLARGEMENT OF TIME**

Comes now Defendant Dollar Tree Stores, Inc., by counsel, and files its Motion for Enlargement of Time to respond to Plaintiff's Complaint. And the Court, being duly advised, now GRANTS said Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant be and hereby is granted an enlargement of time, up to and including May 28, 2021 to Answer or otherwise respond to Plaintiff's Complaint.

DATE: _____

JUDGE TIMOTHY W. OAKES

Copies To:

Valerie Loya
HENSLEY LEGAL GROUP, PC
117 East Washington Street
Suite 200
Indianapolis, Indiana 46204
Counsel for Plaintiff

Anthony M. Eleftheri
Melanie A. Kalmbach
Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
Counsel for Defendant Dollar Tree Stores, Inc.

1 Complete items 1, 2, and 3.

1 Print your name and address on the reverse so that we can return the card to you.

1 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Dollar Tree
500 Volvo Pkwy
Chesapeake, VA 23320



9590 9402 3958 8060 6336 54

2 Article Number (Transfer from service label)

7020 0640 0000 2294 4417

A. Signature

X *Crystal Ustis*

Agent
 Addressee

B. Received by (Printed Name)

Crystal Ustis

C. Date of Delivery

APR 05 2021

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 3958 8060 6336 54

United States
Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box.

Marion County Clerk's Office
200 E Washington St., W122
Indpls, IN 46204

49D02-2103-CT-010868

